

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID JOHNSON,

Petitioner,

Case No. 4:20-cv-11461
Hon. Matthew F. Leitman

v.

JOHN CHRISTIANSEN,

Respondent.

/

**ORDER DENYING AS MOOT RESPONDENT’S MOTION FOR A MORE DEFINITE
STATEMENT (ECF No. 9), CLARIFYING SCOPE OF CLAIMS BEFORE THE COURT,
AND DIRECTING RESPONDENT TO FILE RESPONSIVE PLEADING**

Petitioner David Johnson filed the habeas petition in this action on May 22, 2020, in the United States District Court for the Western District of Michigan. The Western District subsequently transferred this action to this Court, and Respondent then filed a Motion for a More Definite Statement. (*See* Motion, ECF No. 9). In that motion, Respondent pointed out that Petitioner identified seven claims in the Petition itself, but then seemed to be asserting additional claims in the supporting memorandum of law. (*See id.*) Respondent noted that the additional claims discussed in the memorandum (but not in the Petition) did not appear to have been exhausted in state court. (*See id.*)

On January 4, 2021, Petitioner responded to the Motion for More Definite Statement.¹ (*See* Response, ECF No. 11.) In the response, Petitioner indicates that it was and is his intention to present only the claims that he exhausted in the state courts on direct review and that were set forth

¹ Before the Court received Petitioner’s response, it entered an order directing him to respond to the motion. (*See* Order, ECF No. 10.) The Court’s order must have crossed in the mail with Petitioner’s response to the motion. Petitioner need not take any further action in response to the Court’s order.

in the habeas Petition itself. (*See id.*) He says that he is not seeking relief on the additional set of claims that were presented in his memorandum of law but not included in the Petition itself. (*See id.*) Instead, he discusses those additional claims to give the Court what he considers to be a fuller picture of the state court proceedings. (*See id.*)

Accordingly, the Court construes the Petition as raising only the seven claims presented in the Petition itself. The Court will not consider any unexhausted claims presented in Petitioner's memorandum of law to be a part of this case.

Respondent is ordered to file a responsive pleading – addressing only the claims presented in the Petition itself – and any Rule 5 materials by **March 10, 2021**.

In light of the foregoing, Respondent's Motion for More Definite Statement is **DENIED AS MOOT**.

IT IS SO ORDERED.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 20, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 20, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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